

REMARKS

Claims 42-68 are currently pending with claims 42, 55, and 64 being independent. Beginning with claim 42, it is directed to a push-to-talk (PTT) controller that establishes a local *ad hoc* group session between an inviting mobile terminal and one or more other mobile terminals located within a specified local area of the inviting mobile terminal. To create the *ad hoc* group, a presence server first identifies one or more mobile terminals that are within a local geographical area of the inviting mobile terminal. From these identified mobile terminals, a group server then creates the *ad hoc* group consisting of one or more of the identified mobile terminals. In other words, the mobile terminals are first identified and then invited to join an *ad hoc* group.

Claim 42 stands finally rejected as being obvious over Willey (U.S. Pat. App. Pub. No. 2005/0124358) in view of Weisman (U.S. Pat. No. 6,839,417). However, neither reference teaches or suggests, alone or in combination, "a presence server configured to identify one or more local mobile terminals that are within a local area of an inviting mobile terminal." The Office Action acknowledges that Willey does not teach or suggest this limitation. Applicant respectfully submits that Weisman likewise does not disclose identifying one or more local; mobile terminals to join an *ad hoc* group.

In Weisman, the creator of the conference call creates a conference call record by providing the specifics of the call (e.g., participants, rules, number of allowed participants, etc.) to a conference server. The creator then sends out invitations to join the call. When the conference call becomes active, the invitees connect to the conference server and select a conference call to join. Provided the calling participant satisfies the call access requirements, the participant will be allowed to join the call. *E.g., Weisman*, col. 28, ll. 36-57. Note, that the participants are all identified in advance by the calling party.

Weisman never mentions, "a presence server configured to identify one or more local mobile terminals that are within a local area of an inviting mobile terminal." Instead, Weisman merely monitors the geographical locations of a plurality of mobile terminals and then uses that information to constrain participation in a call. In this regard, the gathering and use of this information in Weismann is significantly different from that of the claimed invention. Specifically, the location information in Weismann is centrally stored and used to limit access at the time a participant attempts to join the call without any regard as to the identity of the participant attempting to join. *E.g., Weisman*, col. 27, ll. 41-62. Weisman never identifies mobile terminals within a local area of an inviting mobile terminal so that a group server can create an *ad hoc* group from those identified terminals, as claimed in claim 42.

Therefore, Weisman fails to remedy Willey because it also fails to teach or suggest a presence server that identifies one or more mobile terminals within a local area of an inviting mobile terminal. And because neither reference alone teaches or suggests this limitation, the combination of the references also fails to teach or suggest this limitation. For at least this reason, claim 42 is patentable over the cited references.

However, there is another reason why the references do not render claim 42 obvious. Particularly, the references do not teach or suggest, alone or in combination, "a group server configured to create an ad-hoc group for a local ad-hoc group session including the inviting mobile terminal and one or more of the local mobile terminals within the local area of the inviting mobile terminal."

Willey discloses a mobile communication device that monitors a quick paging channel and conditionally terminates its use of that channel based on whether the device is connected to a predetermined power source. The Office Action cites the discussion in Willey of a Push-To-Talk over Cellular (PoC) system to support the assertion that Willey discloses the claimed group server. However, the cited portions of Willey do not teach or suggest what the Office Action

asserts they do. Rather, they simply provide a general discussion of a PoC system and the basic conventional purposes of some of the components. Willey, pp. 5-6. ¶¶[0044-0050].

Willey says nothing of a group server configured to create an ad-hoc group for a local ad-hoc group session including an inviting mobile terminal and one or more of the local mobile terminals identified by the presence server. Nor is there any indication in Weisman whatsoever of a group server that creates a group from one or more of mobile terminals identified by the presence server. As evidenced above, the server in Weismann limits access to a call at the time a potential conference participant asks to join the call without regard as to their identity. Therefore, the cited references also fail to teach or suggest, alone or in combination, the claimed group server. As such, claim 42 and its dependent claims are patentable over the cited references.

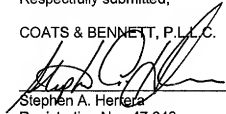
The remaining independent claims 55 and 64 also stand rejected as being over Willey in view of Weisman for substantially the same reasons as those stated for claim 42. Claim 55 is directed to a method of establishing a local ad hoc group session in a wireless network between an inviting mobile terminal and one or more local mobile terminals. Claim 64 is directed to a push-to-talk controller in a wireless network that establishes a push-to-talk communication session for a local ad hoc group. Both independent claims recite language similar to that of claim 42. Accordingly, for reasons similar to those stated above, claims 55 and 64, as well as their respective dependent claims, are patentable over the cited art.

Finally, the Office Action indicates that dependent claims 48 and 60 are obvious over Willey in view of Weisman and Winchell (U.S. Pat. App. Pub. No. 2002/0151321). However, since their respective independent claims are patentable over the cited art, so, too, are claims 48 and 60. Additionally, Winchell does not remedy the deficiencies of Willey and Weisman. Therefore, claims 48 and 60 are non-obvious over the cited references.

In light of the foregoing remarks, Applicant respectfully requests the allowance of all pending claims at the Examiner's earliest convenience.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Stephen A. Herrera", is written over a horizontal line.

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